

Crime Victims' Compensation

The South Dakota Crime Victims' Compensation (CVC) Program provides monetary assistance to victims of violent crimes. Administered by the Department of Social Services (DSS), the program may compensate crime victims a maximum of \$15,000 for certain expenses incurred as a direct result of personal injury or death. However, not all crimes or expenses are covered.

You may be eligible for compensation if you or a family member has suffered personal injury as a result of:

- a violent crime,
- trying to stop a person committing a crime,
- trying to help a law enforcement officer,
- trying to help a victim of a crime, or
- witnessing a violent crime.

Types of Assistance

Compensation may be available for expenses resulting from a criminal act such as:

- medical expenses;
- mental health counseling expenses;
- mileage;
- funeral and burial expenses;
- loss of earnings or support;
- dental and prosthetic devices;
- eyeglasses or corrective lenses;
- homicide scene cleanup expenses;
- replacement costs for personal property used as evidence, and
- other similar expenses.

Compensation cannot be paid for other property losses, attorney's fees or pain and suffering. In addition, the program is a last resort for payment. In most cases, payments can only be made if there is no other source of payment including private health insurance for the victim, other public programs, etc.

Who Can Apply

- An innocent victim of a violent crime who has suffered harm.
- A family member of a deceased victim.
- A person authorized to act on behalf of a victim or a dependent.
- Parents or other family members under limited circumstances.

Eligibility Requirements

- The crime must have occurred on or after July 1, 1992.
- The crime must be reported to law enforcement within five days of its occurrence or when a report could reasonably have been made.
- The claim for compensation must be filed within one year of the crime unless good cause is shown.
- The victim and claimant must reasonably cooperate in the investigation and prosecution of the incident.
- Compensation cannot be awarded to a claimant if it would unjustly benefit the offender or an accomplice.
- Crime victims are eligible to apply for compensation whether or not the crime is a tribal, state or federal crime.

Applying for Compensation

To apply for Crime Victim's Compensation, you must fill out a form. Forms are available from local law enforcement agencies, the Department of Social Services and the Office of the Attorney General. Forms can also be printed from CVC's Web site at: www.state.sd.us/social/cvc.

DSS staff reviews all claims and decides whether a victim is eligible and the amount of compensation to be paid. Upon receipt of the application, staff will contact law enforcement, physicians, service providers, etc. to verify all information.

Not all victims qualify for assistance. Those who apply have the right to appeal the decision to the Crime Victims' Compensation Commission.

Emergency Awards

Emergency awards of up to \$1,000 may be made under extraordinary circumstances. An award may be made for immediate verifiable needs as a result of loss of income or support, emergency medical expenses or funeral expenses. Any emergency award will be deducted from the final award and must be deducted from expenses already incurred.

More Information

For more information, contact the Crime Victims' Compensation Program at 1-800-696-9476 (in-state only) or (605) 773-6317. You can also email the program at victims@state.sd.us.

Crime Victims' Bill of Rights

Know Your Rights To:

Protection from the accused offender.
Have court proceedings explained.
Be notified of and present at all public proceedings, unless otherwise ordered by the judge.
Provide written input on sentencing, bail or bond hearings and parole hearings.
Restitution from the offender, unless reasons are stated for denying restitution.
Be notified of the offender's release from custody.
Request testing for certain infectious diseases.

If You Are a Victim of a Violent Crime or DUI...

You are entitled to be protected by all of the provisions of the 1991 South Dakota Victims' Rights Act and to be notified of your rights by the prosecutor. However, you must inform your prosecutor if you want to exercise your rights.

For More Information about the Crime Victims' Bill of Rights:

Office of the Attorney General
500 East Capitol Ave.
Pierre, SD 57501-5070
(605) 773-3215

Crime Victims' Compensation Program

Department of Social Services
Adult Services and Aging
700 Governors Drive
Pierre, SD 57501-2291
(605) 773-6317
FAX: (605) 773-6834
Email: victims@state.sd.us

1-800-696-9476
(in-state only)



Visit us on the Web at:
www.state.sd.us/social/cvc

DSS Nondiscrimination Policy:

It is the policy of the Department of Social Services (DSS) to make sure that applications for program benefits and services are made available to everyone and that program benefits are granted to all who meet eligibility standards. DSS staff, programs and policies must not discriminate against clients or applicants for services because of race, color, sex, age, disability, religion and national origin. DSS must also provide fair and equal access to all of its programs and services for people with disabilities; this includes both physical access to buildings and access to programs and services. To file a complaint of discrimination write: PMB0141-1, DSS Human Resource Manager, 500 East Capitol Ave., Pierre, SD 57501-5070 or call: (605) 773-6941. If you have a question regarding program services, please contact your nearest DSS office.

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HAVE YOU BEEN HURT BY VIOLENT CRIME?



South Dakota CRIME VICTIMS' COMPENSATION

Department of Social Services
Adult Services & Aging